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10/000,427	11/30/2001	Masahiro Okada	01-730	9209

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EXAMINER	
MOORTHY, ARAVIND K	

ART UNIT	PAPER NUMBER
2131	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/000,427	OKADA ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 14 November 2005.

2. Claims 1-23 are pending in the application.

3. Claims 1-23 have been rejected.

Response to Amendment

4. The examiner approves the amendment made to the specification. The abstract no longer exceeds the 150-word limit. The examiner withdraws the objection to the specification.

Response to Arguments

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5, 8-13, 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu U.S. Patent No. 6,510,502 B1 in view of McRae U.S. Patent No. 6,104,813.

As to claim 1, Shimizu discloses a license managing system including a game apparatus to be licensed and a managing apparatus, the managing apparatus comprising:

inputting means [column 8, lines 16-36];

encrypting means for encrypting information inputted from the inputting means to produce encrypted information [column 10 line 45 to column 12 line 60]; and

outputting means for outputting the encrypted information, wherein the encrypting means encrypts at least identification information of the game apparatus to be licensed and license condition information thereof to produce the encrypted information, the game apparatus comprising:

inputting means for inputting the outputted encrypted information [column 10 line 45 to column 12 line 60];

encryption decoding means for decoding the inputted encrypted information [column 10 line 45 to column 12 line 60];

controlling means for controlling execution of a game program;

storing means for storing identification information of the game apparatus [column 10 line 45 to column 12 line 60]; and

storing means for storing internal information [column 10 line 45 to column 12 line 60],

wherein the encryption decoding means decodes the encrypted identification information of the game apparatus and the encrypted license condition information, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification information of the game apparatus are in a

predetermined relationship, and the decoded license condition information and the stored internal information are in a predetermined relationship [column 10 line 45 to column 12 line 60].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 2, Shimizu discloses a game apparatus comprising:

inputting means for inputting encrypted information [column 10 line 45 to column 12 line 60];

encryption decoding means for decoding the inputted encrypted information [column 10 line 45 to column 12 line 60];

controlling means for controlling execution of a game program [column 27 line 16 to column 28 line 6];

storing means for storing identification information of the game apparatus; and

calendar means [column 27 line 16 to column 28 line 6],

wherein the encryption decoding means decodes encrypted identification information of the game apparatus and license period information of the game apparatus, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification information of the game apparatus are in a predetermined relationship, and the decoded license period information and date information supplied from the calendar means are in a predetermined relationship [column 27 line 16 to column 28 line 6].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the

subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 3, Shimizu teaches that the controlling means prohibits execution of the game program when the decoded license period information and the date information supplied from the calendar means fall outside of the predetermined relationship after permitting execution of the game program [column 27 line 16 to column 28 line 6].

As to claim 4, Shimizu teaches the game apparatus further comprising information outputting means. Shimizu teaches that the controlling means calculates, after permitting execution of the game program, a remaining period of a license period from a license period ending time indicated in the decoded license period information and the date information

supplied from the calendar means, and outputs a predetermined warning to the information outputting means when the remaining period becomes less than a predetermined period [column 27 line 16 to column 28 line 6].

As to claim 5, Shimizu discloses a game apparatus comprising:

inputting means for inputting encrypted information [column 10 line 45 to column 12 line 60];

encryption decoding means for decoding the inputted encrypted information [column 10 line 45 to column 12 line 60];

controlling means for controlling execution of a game program [column 10 line 45 to column 12 line 60];

first storing means for storing identification information of the game apparatus [column 10 line 45 to column 12 line 60]; and

second storing means for storing a working state of the game apparatus [column 10 line 45 to column 12 line 60]s,

wherein the encryption decoding means decodes encrypted identification information of the game apparatus and operation limiting information of the game apparatus, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification information of the game apparatus are in a predetermined relationship, while the controlling means prohibits execution of the game program when the working state of the game apparatus falls outside of a range of an

operation limit specified by the decoded operation limiting information [column 10 line 45 to column 12 line 60].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 8, Shimizu teaches that the operation limiting information represents an upper limit of the number of game playing times [column 16, lines 7-16].

As to claim 9, Shimizu teaches that the controlling means calculates, after permitting execution of the game program, a remaining number of game playing times from the upper limit

of the number of game playing times and a current number of game playing times, and outputs a predetermined warning to the information outputting means when the remaining number of game playing times becomes less than a predetermined number of game playing times [column 16, lines 7-16].

As to claim 10, Shimizu discloses a working state managing system including a game apparatus to be managed and a managing apparatus, the game apparatus comprising:

storing means for storing identification information of the game apparatus [column 10 line 45 to column 12 line 60];

storing means for storing working state information of the game apparatus [column 10 line 45 to column 12 line 60];

encrypting means for encrypting the identification information and the working state information [column 10 line 45 to column 12 line 60];

information outputting means [column 10 line 45 to column 12 line 60]; and

controlling means for causing the encrypting means, according to a predetermined operation, to encrypt the working state information and to output the encrypted working state information in a visible form from the information outputting means [column 10 line 45 to column 12 line 60],

the managing apparatus comprising:

inputting means for inputting the encrypted identification information and the encrypted working state information [column 10 line 45 to column 12 line 60];

encryption decoding means for decoding the encrypted identification information and the encrypted working state information [column 10 line 45 to column 12 line 60];

outputting means [column 10 line 45 to column 12 line 60]; and

controlling means [column 10 line 45 to column 12 line 60],

wherein when the encrypted identification information and the encrypted working state information are inputted from the inputting means, the controlling means causes the encryption decoding means to decode the information and, according to a request, to output the decoded identification information and the decoded working state information in a visible form from the outputting means [column 10 line 45 to column 12 line 60].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request

for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 11, Shimizu discloses a game apparatus comprising:

working state storing means for storing working state information [column 10 line 45 to column 12 line 60];

encrypting means for encrypting the stored working state information [column 10 line 45 to column 12 line 60];

information outputting means [column 10 line 45 to column 12 line 60]; and

controlling means for causing the encrypting means, according to a predetermined operation, to encrypt the working state information and to output the encrypted working state information in a visible form from the information outputting means [column 10 line 45 to column 12 line 60].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date

information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 12, Shimizu teaches the game apparatus further comprising storing means for storing identification information of the game apparatus. [column 10 line 45 to column 12 line 60] Shimizu teaches that the encrypting means encrypts the working state information and the identification information [column 10 line 45 to column 12 line 60]. Shimizu teaches the controlling means outputs the encrypted working state information and the encrypted identification information in a visible form from the information outputting means [column 10 line 45 to column 12 line 60].

As to claim 13, Shimizu teaches that the working state information includes information relating to sales of the game apparatus or information relating to the number of game playing times [column 16, lines 7-16].

As to claim 18, Shimizu discloses an information presenting method comprising processing for obtaining identification information of a game apparatus, processing for obtaining

working state information of the game apparatus, processing for encrypting the identification information and the working state information, and processing for outputting the encrypted information in a visible form, as discussed above.

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 19, Shimizu teaches that the working state information includes information relating to sales of the game apparatus or information relating to the number of game playing times [column 16, lines 7-16].

As to claim 22, Shimizu discloses a computer program for causing a computer to operate as a game apparatus, the computer program causing the computer to execute the steps of:

obtaining an identification number of the game apparatus [column 10 line 45 to column 12 line 60];

obtaining working state information of the game apparatus [column 10 line 45 to column 12 line 60];

encrypting the obtained identification number and the obtained working state information [column 10 line 45 to column 12 line 60]; and

outputting the encrypted information in a visible form [column 10 line 45 to column 12 line 60].

Shimizu does not teach that the controlling means request an input of date and time information when the game apparatus is started. Shimizu does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shimizu by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 23, Shimizu teaches a computer-readable recording medium recording the computer program [column 10 line 45 to column 12 line 60].

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu U.S. Patent No. 6,510,502 B1 and McRae U.S. Patent No. 6,104,813 as applied to claim 5 above, and further in view of Land et al U.S. Patent No. 6,847,942 B1.

As to claims 6 and 7, the Shimizu-McRae combination does not teach that the operation limiting information represents an upper limit of sales of the game apparatus. The Shimizu-McRae combination does not teach that the controlling means deducts, after permitting execution of the game program, current sales of the game apparatus from the upper limit of sales, and outputs a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount.

Land et al teaches limiting information that represents an upper limit of sales of the game apparatus [column 8, lines 7-34]. Land et al teaches controlling means that deducts, after permitting execution of the game program, current sales of the game apparatus from the upper

limit of sales, and outputs a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount [column 8, lines 7-34].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Shimizu-McRae combination so that there would have been limiting information that represented an upper limit of sales of the game apparatus. The controlling means would have deducted, after permitting execution of the game program, current sales of the game apparatus from the upper limit of sales, and outputted a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Shimizu-McRae combination by the teaching of Land et al because if the sales goes below a predetermined amount, the company needs to know to restock the game consoles [column 1, lines 28-64].

8. Claims 14-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al U.S. Patent No. 6,599,194 B1 in view of McRae U.S. Patent No. 6,104,813.

As to claim 14, Smith et al discloses a license managing method for a game apparatus,

wherein a password representing encrypted identification information of the game apparatus to be licensed and encrypted license condition information thereof is transmitted to a licensee, and the licensee inputs the password into the game apparatus to be licensed [column 23 line 32 to column 24 line 52], and

wherein the game apparatus to be licensed executes processing for decoding the inputted password, first determination processing for determining

> whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship, second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game program when determination results of the first and second determination processing are both affirmative [column 24 line 62 to column 25 line 30].

Smith et al does not teach that the controlling means request an input of date and time information when the game apparatus is started. Smith et al does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 15, Smith et al discloses a method for controlling a game apparatus, wherein the game apparatus executes processing for obtaining a password representing encrypted identification information of the game apparatus and encrypted license condition information thereof [column 23 line 32 to column 24 line 52]. Smith et al discloses processing for decoding the obtained password [column 23 line 32 to column 24 line 52]. Smith et al discloses first determination processing for determining whether or not the decoded identification information and identification information stored in the game apparatus are in a predetermined relationship [column 24 line 62 to column 25 line 30]. Smith et al discloses second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship [column 24 line 62 to column 25 line 30]. Smith et al discloses permitting execution of a game program when determination results of the first and second determination processing are both affirmative [column 24 line 62 to column 25 line 30].

Smith et al does not teach that the controlling means request an input of date and time information when the game apparatus is started. Smith et al does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date

information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 16, Smith et al teaches that execution of the game program is prohibited when the determination result of the second determination processing becomes negative after execution of the program is permitted [column 24 line 62 to column 25 line 30].

As to claim 17, Smith et al discloses a method for grasping a working state of a game apparatus, the method comprising:

> causing the game apparatus to output a password in a visible form, the password representing encrypted identification information of the game apparatus and encrypted working state information thereof [column 23 line 32 to column 24 line 52];
>
> notifying the password to a manager from a managing operator of the game apparatus [column 23 line 32 to column 24 line 52];

inputting the notified password into a managing apparatus by the manager [column 23 line 32 to column 24 line 52];

causing the managing apparatus to decode the password, and to output the decoded identification information of the game apparatus and the decoded working state information thereof in a visible form [column 24 line 62 to column 25 line 30].

Smith et al does not teach that the controlling means request an input of date and time information when the game apparatus is started. Smith et al does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 20, Smith et al discloses a computer program for causing a computer to operate as a game apparatus, the computer program causing the computer to execute the steps of:

> requesting an input of a password representing encrypted identification information of the game apparatus and encrypted license condition information thereof [column 23 line 32 to column 24 line 52];
>
> decoding the inputted password [column 23 line 32 to column 24 line 52]; and
>
> permitting execution of a game program when the decoded identification information of the game apparatus and prestored identification information of the game apparatus are in a predetermined relationship and the decoded license condition information of the game apparatus and internal information of the game apparatus are in a predetermined relationship [column 24 line 62 to column 25 line 30].

Smith et al does not teach that the controlling means request an input of date and time information when the game apparatus is started. Smith et al does not teach executing the subsequent process if the inputted time and date information is included within a given time difference range with respect to preset time and data information.

McRae teaches requesting an input of date and time information when a player is started [column 4, lines 25-60]. McRae teaches executing the process if the inputted time and date information is included within a given time difference range with respect to preset time and data information [column 4, lines 25-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al so that there would have been a request for an input of date and time information when the game apparatus had started. The process would have been subsequently executed if the inputted time and date information was included within a given time difference range with respect to preset time and data information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teaching of McRae because it controls the usage time of software if the software has been rented [column 1, lines 14-32].

As to claim 21, Smith et al teaches a computer-readable recording medium recording [column 23 line 32 to column 24 line 52].

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy AM
February 7, 2006

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100